

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative or therapeutic effects thereof were false, fraudulent, and misleading in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, and which were applied to the article, with a knowledge of their falsity, for the purpose of defrauding purchasers thereof.

On December 13 and 17, 1920, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**9323. Misbranding of dairy feed. U. S. \* \* \* v. The Nutritia Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 13923. I. S. No. 10921-r.)**

On February 7, 1921, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Nutritia Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 20, 1919, from the State of Ohio into the State of Kentucky, of a quantity of dairy feed which was misbranded. The article was labeled in part, “\* \* \* Sunshine Dairy Feed \* \* \* Manufactured by The Nutritia Co., Cincinnati, O.”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 13.38 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, “Guaranteed Analysis Protein 16%,” borne on the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 16 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 16 per cent of protein, whereas, in truth and in fact, it contained less than 16 per cent of protein, to wit, 13.38 per cent of protein.

On April 2, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**9324. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 500 Cases of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13990. I. S. No. 5913-t. S. No. E-2910.)**

On December 4, 1920, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases, each case containing 24 bottles, of vinegar, remaining in the original unbroken packages at Monessen and McKeesport, Pa., respectively, alleging that the article had been shipped by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., on September 3, 1920, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: “Steuben Brand Reduced Cider Vinegar Fermented Reduced To 4% Acetic Acid Made From Apples M’f’d April 1919 Net Contents One Pint Naas Cider & Vinegar Co., Inc. \* \* \*.”

Adulteration of the article was alleged in the libel for the reason that distilled vinegar and water had been mixed and packed with, and substituted wholly or in part for, the article. Adulteration was alleged for the further reason that the said article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement, “Cider Vinegar Fermented Reduced To 4% Acetic Acid Made From Apples” (design showing whole

apple), was false and misleading and deceived and misled the purchaser, for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1921, the Naas Cider & Vinegar Co., Cohocton, N. Y., claimant, having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**9325. Adulteration of eggs. U. S. \* \* \* v. 414 Cases of Eggs. Good portion of product released under bond. Judgment of condemnation, forfeiture, and destruction with reference to bad portion.** (F. & D. No. 14002. I. S. No. 4143-t. S. No. C-2596.)

On November 12, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 414 cases of eggs, at Chicago, Ill., alleging that the article had been shipped by the Bronx Refrigerating Co., New York, N. Y., on November 3, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On November 26, 1920, Anthony M. Fox, John L. Fox, Joseph J. Fox, Frank G. Fox, Michael E. Fox, William J. Fox, Bert E. Fox, Peter Fox, Jr., and Robert J. Fox, trading as Peter Fox & Sons Co., Chicago, Ill., having entered an appearance as claimants of the property, and the product having been inspected and candled under the supervision of this department, it was ordered by the court that upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, the good portion of the product should be released to said claimants and the bad portion should be destroyed.

E. D. BALL, *Acting Secretary of Agriculture.*

**9326. Adulteration of eggs. U. S. \* \* \* v. 440 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 14085. I. S. No. 1991-t. S. No. C-2598.)

On November 20, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 440 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Jackson Dairy Co., Marshalltown, Iowa, on May 1, 1920, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On November 27, 1920, Randack & Co., 730 West Randolph St., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department and the bad portion destroyed.

E. D. BALL, *Acting Secretary of Agriculture.*